UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ZHOU, TING

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 November 2003*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *8,9,17,18,23,24 and 26-33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *8,9,17,18,23,24 and 26-33* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *12 November 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
        1. ☒ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/12/03,8/13/04, 3/15/06*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The applicant has cancelled claims 1-7, 10-16, 19-22 and 25 in a preliminary amendment

received on 11/12/2003. Claims 8-9, 17-18, 23-24 and 26-33 as amended are currently pending

in the application.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

    The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

    The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

3.   The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

4.   Claims 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The preamble of claims 23-24 recites, "a machine-readable media storing data and

programs that cause a computer system containing a display for performing a performance data

editing method comprising the steps of". The preamble does not state that the stored data and

program causes the computer system to perform the recited steps, therefore, it is unclear what the

stored data and programs is causing the computer system to do. Thus, claims 23-24 are

indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 8-9, 17-18, 23-24, 26-27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ohomori U.S. Patent 6,477,315 and Mandt U.S. Patent 6,621,532.

Referring to claims 8-9, 17-18 and 23-24, Ohomori teaches a method, apparatus and

machine-readable media comprising the steps of controlling a computer system to display at least

one layer on a screen of the display (reference character 35 in Figures 7-8 shows the display of a .

list of different editing layers, or tracks for editing video content) (Ohomori: column 8, line 61-

column 9, line 12); attaching an execution icon corresponding to execution-related data onto the

layer (users can drag and drop icons 63A-63Y shown in Figure 9 onto portions of a track, or

layer in the list of layers) (Ohomori: column 9, line 44-column 10, line 33), wherein the

execution-related data constructs a part of performance data (executing the video special-effect

processing corresponding to the selected icon at the junction in the track, or layer where the icon

was placed) (Ohomori: column 9, line 44-column 10, line 33). However, Ohomori fails to

explicitly teach allowing the execution icon of the layer to move in response to an operation of a

user of the computer system, detecting an event in which the execution icon is moved outside of

a prescribed display area, and upon detection of the event, deleting the execution icon and the

execution-related data corresponding to the execution icon from the performance data. Mandt

teaches a graphical user interface for allowing users to select icons to be placed into an area

(creating toolbar icons/buttons in response to user's drag/drop input) (Mandt: column 3, lines 21-

29) similar to that of Ohomori. In addition, Mandt further teaches allowing the execution icon of

the layer to move in response to an operation of a user of the computer system (icons on the

toolbar can be dragged around the toolbar) (Mandt: column 8, lines 8-17); detecting an event in

which the execution icon is moved outside of a prescribed display area (dragging an icon from

the toolbar out of the toolbar area) (Mandt: column 8, lines 8-17), and upon detection of the

event, deleting the execution icon and execution-related data corresponding to the execution icon

from the performance data (when the icon from the toolbar is moved out the toolbar area, the

icon is removed, thereby removing the icon itself and any related data, i.e. icon name, function,

etc.) (Mandt: column 8, lines 8-17). It would have been obvious to one of ordinary skill in the

art, having the teachings of Ohomori and Mandt before him at the time the invention was made,

to modify the graphical user interface for editing multimedia content using the attachment of

icons to layers of Ohomori to include the removal of icons and corresponding information from

the layer when the icon is moved outside of a prescribed area, as taught by Mandt. One would

have been motivated to make such a combination in order to allow users to create, remove and

manipulate icons on the screen with maximum efficiency and minimum complexity.

Referring to claims 26 and 30, Ohomori, as modified, teach wherein one or plural

execution icons are arranged in the layer in a direction from the left to the right on the display

screen in accordance with progress of the performance data (Figure 8 of Ohomori shows icons

arranged from left to right on the layers in accordance with progression of the data, i.e. the timed

ruler).

Referring to claims 27 and 31, Ohomori, as modified, teach wherein the layer is

displayed as an execution icon layer corresponding to the execution-related data (as shown in

Figure 8 of Ohomori, the layers, or tracks shown in the editing list of tracks has special-effects

processing icons attached to them).

Referring to claims 29 and 33, Ohomori, as modified, teach wherein when the execution

icon attached to the layer is edited, edited content is reflected onto the performance data (the

special-effect processing icons can be edited, i.e. moved by the user via a drag and drop

operation; editing the video clip data according to the dropped location of the icon) (Ohomori:

column 9, line 57-column 10, line 32).

6.   Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ohomori U.S. Patent 6,477,315 and Mandt U.S. Patent 6,621,532, as applied to claims 8-9, 27

and 31 above, and Weinstock et al. U.S. Patent 6,166,314 (hereinafter "Weinstock").

        Referring to claims 28 and 32, Ohomori and Mandt teach all of the limitations as applied

to claims 8-9, 27 and 31 above. However, Ohomori and Mandt fail to explicitly teach wherein

the execution icon layer contains at least one of a tempo icon layer, a dynamics icon layer, a joint

icon layer, a modulation icon layer, an accent icon layer an attack icon layer, and a release icon

layer. Weinstock teaches an interface for editing multimedia content similar to that of Ohomori

and Mandt. In addition, Weinstock further teaches wherein the execution icon layer contains at

least one of a tempo icon layer, a dynamics icon layer, a joint icon layer, a modulation icon layer,

an accent icon layer, an attack icon layer, and a release icon layer (Weinstock shows one of the

execution icon layers contains a tempo icon layer) (Weinstock: Fig. 6, 606 and 610). It would

have been obvious to one of ordinary skill in the art, having the teachings of Ohomori, Mandt

and Weinstock before him at the time the invention was made, to modify the execution layers of

Ohomori and Mandt to include layers related to musical performance, as taught by Weinstock.

One would have been motivated to make such a combination in order to provide an automated

system for allowing users to track musical scores and performances.

7.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach similar

interfaces for editing performance data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

TADESSE HAILU
PRIMARY EXAMINER